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10/526,520	03/03/2005	Matthias Schulist	P16105-US1	8324
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ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			EXAMINER NGUYEN, HAI V	
			ART UNIT	PAPER NUMBER
			2618	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/526,520

## Applicant(s)

SCHULIST ET AL.

## Examiner

HAI V. NGUYEN

## Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 17-30 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 17-30 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 04/09/2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This Office Action is in response to the communication received on 06 October 2008.
2. Claims 1-16 were cancelled.
3. Claims 17-30 are presented for examination.

#### ***Response to Arguments***

4. Applicant's arguments and amendments filed on 06 October 2008 have been fully considered but they are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new ground(s) of rejection as explained here below, necessitated by Applicant's substantial amendments to the claims 17, 22, 27, 29 which significantly affected the scope of claims thereof.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 17-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li et al **US 2003/0026324 A1** in view of Lim et al. US patent # **7,324,465 B2**.
7. As to claim 17, Li discloses a method of requesting access to a node (*Fig. 2, BS 13*) of a wireless communications network (*Fig. 1, element MS 15 sending access signal to the element BS 13*), comprising the steps of:

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a) determining information about a transmission path (Figs. 1, 4; the MS estimates power level  $P_i$  for its random access signal about a Random Access CHannel (RACH) channel, [0041]) within the network;

However, Lin does not explicitly disclose b) determining an identification code to differentially identify the requesting network component based on the determined transmission path information, wherein previously an association between identification codes and transmission path information has been established; and c) modulating the determined identification code onto a signal to generate an access request signal from which transmission path information may be derived.

Lim discloses in Figures 2, 4 that, "(element 170, 203, 205, col. 8, lines 10-43) determining an identification code (Figs. 4, 5, a signature code or a parameter for generating the preambles and an access frame for transmitting the preambles and the messages, col. 6, lines 44-57; col. 5, lines 37-61, col. 8, lines 10-20, col. 12, lines 26-51) to differentially identify a requesting network component from other network components (the mobile station) based on the determined transmission path information (Figs. 2, 4, sub-access frame and the selected RACH, col. 8, lines 10-20; col. 18, lines 48-65), wherein previously an association between identification codes and transmission path information has been established (element 207, col. 8, lines 28-43); and (a generation unit, col. 5, lines 49-61) modulating the determined identification code onto a signal (Figs. 4, 5, message 425) to generate an access request signal (Figs. 4, 5, preamble 415 and message 425) from which transmission path information may be derived".

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Lim's teachings of the association between the preamble codes and spreading codes as identification codes with the teachings of Li, for the purpose of *allowing the selections for transmission /retransmissions from the mobile station (Lim, col. 12, lines 1-2).*

8. As to claims 18, Li-Lim discloses (*Lim, Fig. 2, element 207, col. 8, lines 28-43*) analyzing (*generating*) an access control signal (*Lim, Fig. 3, AI signals from earth base station 130*) that is received in response to the access request signal and that includes access control information (*Lim, Fig. 3, AI signal including acquisition indication information, col. 6, lines 1-9*).

9. As to claims 19, Li-Lim discloses wherein the access control signal simultaneously includes access control information (*Lim, Fig. 3, element 305 generates AI signals*) for a plurality of network components (*mobile stations 170*) and wherein the access control information for each network component is associated in the access control signal with an individual identification code (*Lim, Figs. 2, 3, 4, col. 7, line 62 - col. 8, line 67*).

10. As to claim 20, Li-Lim discloses, wherein the access control signal is subjected to an interference canceling step which includes subtracting from the access control signal a compensation signal (*Lim, Figs. 3, 4, transmission offset time  $T_{off}$ , col. 11, lines 36-60*) relating to access control information that is not associated with the identification code determined in step b).

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11. As to claim 21, Li-Lim discloses, wherein the access request signal including the identification code determined in step b) is transmitted repeatedly using transmit power ramping (*Lim, Figure 7*).

12. As to claim 22, Li discloses a method of controlling access to a node (*Fig. 2, BS 13*) of a wireless communication, the method comprising the steps of:

*(Fig. 2, BS 13) receiving an access request signal (BS receiving an access request signals or messages from a mobile station 15).*

However, Li does not explicitly disclose the base station receiving the access request signal having an identification code modulated by a requesting network component, the identification codes differentially identifying the request network component from other network components.

Lim discloses in figures 1, 3, 4, that, *"the base station receiving the access request signal having an identification code modulated by a requesting network component (Figs. 1, 2, element 170), the identification codes differentially identifying the request network component from other network components (Lim, Figs. 4, 5, a signature code or a parameter for generating the preambles and an access frame for transmitting the preambles and the messages, col. 6, lines 44-61; col. 5, lines 37-61, col. 8, lines 10-20, col. 12, lines 26-51).*

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Lim's teachings of the identification codes modulated from the mobile station with the teachings of Li, for the

purpose of *allowing the base station controlling the power transmitted or retransmitted from the mobile station 170 (Lim, col. 6, lines 1-9)*

a) *(Lim, Figs. 3, 7, element 130, 305) analyzing the identification code to derive (to calculate or recalculate) a transmit power level therefrom (Lim, col. 8, lines 44-67; col. 18, lines 44-65), wherein previously an association between identification codes and transmit power levels has been established (Lim, Figs. 3, 4, 7, col. 8, lines 44-67; col. 18, lines 44-65);*

b) *(Lim, Figs. 3, 7, element 130, 305) transmitting an access control signal (an AI signal) including access control information (Lim, col. 5, lines 1-8, col. 19, lines 1-31; col. 21, lines 1-47) at the transmit power level derived in step b).*

13. Claims 23-24 have similar limitations of claims 18-19; therefore, they are rejected under the same rationale as in claims 18-19 above.

14. As to claim 25, Li-Lim discloses, wherein the access control signal simultaneously includes access control information *(Lim, Figs. 3, 4, an AI signal including acquisition indication information of the preamble and the message, col. 6, lines 1-9)* for a plurality of network components which are requesting access to the node *(Fig. 3, element 130)* and wherein the transmit power level for the access control signal is derived and adjusted individually for each network component *(mobile station 170)* which requests access *(Lim, Figs. 1, 2, 4, 7).*

15. As to claim 26, Li discloses, wherein the identification code is selected out of a predefined set or range of identification codes *(Lim, Figs. 1, 2, 4, 5, col. 12, lines 24-63).*

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16. Claims 27, 28 correspond to the apparatus claim of claim 17; therefore, they are rejected under the same rationale as in claim 17 above.

17. Claim 29 corresponds to the apparatus claim of claim 22; therefore, it is rejected under the same rationale as in claim 22 above.

18. As to claim 30, Li-Lim discloses a receiver (*Fig. 3, transceiver unit 301*) for receiving the access request signal onto which the identification code *has* been modulated; and a transmitter (*Fig. 3, transceiver unit 301*) for transmitting the access control signal (*an AI signal including acquisition indication information of the preamble and the message, col. 6, lines 1-9*) at the transmit power level derived (*calculated/recalculated*) by the derivation unit (*Lim, Fig. 2, elements 130, 305*), wherein the access control signal includes access control information (*col. 6, lines 1-9*) and, preferably, the identification code which has been modulated onto the received access request signal.

19. Further references of interest are cited on Form PTO-892 which is an attachment to this action.



### ***Conclusion***

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAI V. NGUYEN whose telephone number is (571)272-3901. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc M. Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hai V. Nguyen/  
Examiner, Art Unit 2618

/Duc Nguyen/  
Supervisory Patent Examiner, Art Unit 2618